

ORDINANCE NO.93-6

**AN ORDINANCE TO
REPEAL AND RECREATE
SECTION 2(2) (a) OF THE ORDINANCE REGARDING
REGULATION OF DOGS
IN THE TOWN OF GENESEE**

WHEREAS, the Town Board of the Town of Genesee has found that the setting of fees by ordinance is not cost effective in that certain fees need to be modified on an annual basis; and

WHEREAS, the Town Board of the Town of Genesee has found that setting fees by resolution is cost effective; and

WHEREAS, the Town Board of the Town of Genesee has found that certain fees are in fact set by other entities and must be adopted by the Town Board in a timely manner~

NOW, THEREFORE, the Town Board of the Town of Genesee, Waukesha County, State of Wisconsin DO ORDAIN AS FOLLOWS:

SECTION 1: An ordinance entitled REGULATION OF DOGS IN THE TOWN OF GENESEE is hereby amended and Section (2), entitled LICENSES REQUIRED, subsection (a), entitled WHEN DOG LICENSE REQUIRED, is hereby repealed and recreated to read as follows:

(2) LICENSES REQUIRED.

- (a) WHEN DOG LICENSE REQUIRED.** Every owner, keeper or person having physical care or custody of a dog which is at least five (5) months of age on January 1. of any year, or which reaches five (5) months of age within the license year shall annually, or on or before acquiring ownership of a licensable dog, or on or before the date the dog becomes five (5) months of age, and in the manner provided for the payment of personal property taxes, pay a dog license fee and obtain a license therefore. Such license fees as well as late penalty fees shall be established by the Town Board by separate resolution and may be periodically changed from time to time. Licenses and renewals shall be due each year between January 1. and April 1. A late penalty fee, as set by resolution of the Town Board, shall be imposed upon any license applied for as authorized by Section 174.05(5) of the Wisconsin Statutes. Such license fees shall be established by the Town Board by separate resolution and may be periodically changes from time to time. The fee may be prorated by the Town Treasurer quarterly to the previous quarter for those dogs reaching license age during the year. A late payment fee of an additional \$(.00 5 shall be imposed upon any license applied for after March 1 of each year. Licenses and renewals shall be due each year between January 1 and March 1.
- (b) PHYSICAL CARE OR CUSTODY.** Care of custody shall include to mean the owning, boarding, confinement and general maintenance of a dog on the premises.

- (c) **Quantity.** The number of dogs kept on a single lot of record within the Town is controlled by the Zoning Code In Waukesha County.
- (d) **HARBORING STRAY DOG.** Any person harboring in any manner a stray dog for ten (10) days or more shall be considered its owner and shall be subject to the terms and regulations of this ordinance.
- (e) **EXEMPTIONS.** Every dog specially trained to lead blind or deaf persona is exempt from the dog license tax herein. The owner of such dog may apply for and receive each year a free license for said dog upon application therefore.

(3) **DOGS RUNNING AT LARGE.** It shall be unlawful for the owner, keeper or person having physical possession of any dog or dogs to permit the same to run at-large at any place within the Town unless accompanied by and under the control of the owner, keeper or person having physical custody of said dog or dogs. A dog will be considered running at-large under this Section if it is upon the property of another without consent of the owner or occupant of that property. The restriction set forth herein shall not be construed as to prevent any dog or dogs running at-large upon the premises of the owner, person having physical custody, or keeper of said dog or dogs as long as the dog or dogs remain on Said premises.

(4) **DOG EXCREMENT DISPOSITION.** The owner, keeper or person having physical possession of a dog or dogs shall remove and properly dispose of any dog excrement deposited by said animal on the same day of such deposit whether that animal be on private or public property.

(5) **Vicious DOGS.** It shall be unlawful to keep a vicious dog within the Town. A visual confirmation that a dog has bitten, attacked or injured any person shall constitute a prima facie showing that such a dog is vicious. Upon finding a dog to be vicious the Court shall order immediate destruction of the dog or removal from the Town after passage of any retention period required for rabies or other health reason.

(6) **IMPOUNDMENT OF DOGS.**

- (a) It shall be the duty of the humane officer, police officer or any other officer duly appointed by the Town Board to apprehend any dog or dogs running at-large within the Town, as defined In subsection (5) above, and confine the animal in the Waukesha County Animal Shelter or other pound as designated by the Town Board.
- (b) The Humane Officer or dog pound operator shall keep at the said dog pound all apprehended dogs for a period of seven days or until the owner picks up his/her dog, whichever occurs earlier, and if the dog(s) is (are) not reclaimed by its rightful owner within such time, it may be sold for the amount incurred in keeping said animal plus an administrative tee for the Town of \$8.00; or the animal may be destroyed in such manner as the dog pound operator or Humane Officer shall direct.
- (c) The owner, person who has physical custody, or keeper of any dog so confined by the dog pound or Humane Officer may reclaim such dog before the same is disposed of by payment of all, costs and charges incurred by the

Town in impounding and keeping said dog. Before said dog shall be released to the owner, person who has physical custody, or keeper said dog shall be licensed as provided for herein and its owner, person who has physical custody, or keeper shall receive a receipt from the Town Clerk authorizing the Animal Shelter or dog pound to release said dog.

(7) BARKING OR HOWLING DOGS A NUISANCE. A dog that barks or bowls to such an extent that the noise disturbs any neighbor residing nearby by reason of excessive sound or unusual hours is hereby declared a nuisance.

(0) **COMPLAINT BY CITIZEN.** Should a violation of this Ordinance be reported by a Citizen, the Town shall not be required to pursue prosecution unless and until the complaining citizen shall present his/her complaint in writing on forms supplied by the Town and have same complaint notarized or witnessed by a Town Official. Said citizen shall also agree in writing that, in the event said complaint is filed with the Court for prosecution, he/she will cooperate fully with the Town Attorney in said prosecution including, if necessary, testifying in a Court trial to support said complaint. Any failure by a complaining citizen to cooperate with the Town shall result in immediate dismissal of the complaint.

(9) **PENALTY.** Any person who shall violate any provisions of this Ordinance shall upon conviction be punished by a forfeiture not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars together with the costs of prosecution for each offense and in default of the payment of such penalty shall be imprisoned for not more than ten (10) days. Each day in which the violation continues shall constitute a separate offense. In addition to the penalty provided for in this section, the Town Treasurer may collect the delinquent license taxes pursuant to the procedure contained in Section 74.11, Wj5.. Stats., for the collection of personal property taxes. Further the Court shall have the power to order abatement of any illegal activity under this Ordinance including the power to order destruction of the offending animal.

SECTION_3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections, or portions thereof of the ordinance which shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon passage and posting or publication as provided by law

MAR—02-2004 02:07 PM TOWN.OF.GENESEE
This Ordinance passed this

262 968 3809
day of 7/~'!A~, 1987.
TOWN OF GENESEE
U~L
Robert N. Schreiber
Town Chairman

P.06

ATTEST:

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Barbara Whitnore
Town Clerk

Published or posted on the c\$/”day of

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